

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
LOWELL CANEDAY, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 5th day of February,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

Exhibit 2

TULSA FREELANCE REPORTERS
918-587-2878

1 Q What did you provide on a CD? I'm sorry.

2 A That study, the John Jett study.

3 Q The John Jett study, and all of the supporting
4 documents you would have relating to that study, you
5 would have produced with that?

02:55PM

6 A Well, there aren't any supporting documents.
7 That's what I'm saying, there aren't any supporting
8 documents.

9 Q Anything you have --

10 A Right.

11 Q -- on aggregate data would have been produced?

12 A Yes, in the appendices in that case.

13 MS. HILL: I have no further -- actually,
14 I'm sorry, just one more.

15 A While you're looking, I'll just comment, John
16 Jett now is a PhD. He graduated from the University
17 of Florida, and he took the protocol that we used
18 here and Florida implemented exactly the same
19 protocol for recreational boaters in protected
20 waters for the manatee in Florida. So the model has
21 been used elsewhere, and it really lends credibility
22 to what John has done.

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02:56PM

23 Q Do you know how the Oklahoma Scenic Rivers
24 Commission tallies its user fees, whether it's a
25 fiscal year or calendar year?

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1 A From their dataset, it appears to have been a
2 change from 2003 to 2004, where in those early days,
3 it was on a fiscal year basis and now it appears to
4 be calendar, but I don't know beyond that. It just
5 looks that way in the data.

02:56PM

6 Q Okay. So you haven't taken a look at the
7 total number of floaters in those fiscal years for
8 the last two or three years?

9 A Well, I didn't put it out by fiscal year.

10 Again, what they provided me is an Excel file, and
11 on that Excel file it went back into the late
12 1990's. So you can find tabs for '99, 2000, blah,
13 blah, blah. In fact, for a few of the years it goes
14 like -- I don't remember exactly what the tabs are,
15 but for 2001, 2002, 2003, 2004 and then at the same

02:56PM

16 time there will be one tab for 2003 and then another
17 one for 2004. So what I had to do is clean up that
18 dataset and find one month that would have been
19 identifiable as let's say January 2003, whether it
20 appeared on a 2003-2004 screen or it appears only on
21 a 2003 screen. I had to find where it was, and then
22 when I took the numbers, I just took that one cell.

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23 In most cases they matched, but I could not take
24 things from 2003 and earlier. I had to go with the
25 newer stuff, 2004, 2005, 2006 and 2007. Those were

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02:57PM

1 consistent but, again, that's not data I generated.

2 That's data I received from the Oklahoma Scenic

3 Rivers Commission. It also includes the dollar

4 figure, so that you'll have attendance and then you

5 have dollars on it. I didn't pay attention to the

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6 dollars. That wasn't part of what I was looking at.

7 Q Paragraph 14 of your affidavit, most floaters

8 then spend several more hours in wet attire, either

9 driving home or enjoying additional time in the

10 river corridor. First sentence, enjoying additional

02:58PM

11 time in the river corridor, what are they doing

12 then?

13 MR. McDANIEL: They're not washing their

14 hands.

15 A I would have to probably look at some of the

02:58PM

16 studies that we've done, but usually these people

17 are sightseeing. In fact, the number one outdoor

18 recreation pursuit in the Illinois River corridor is

19 driving for pleasure, just cruising. A lot of them

20 are just driving and enjoying it. Clearly they also

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21 stop for lunch and other meals. Based upon

22 observation, a lot of people go up to the Illinois

23 River Store just north of the Scenic Rivers

24 Commission office and make additional purchases.

25 That's a recreational pursuit. So they're doing all

02:59PM